

## **REMARKS**

Claims 1, 3-6, 8-10, 12, 14-17, 19-21 and 23 are amended. New claims 26-27 are added. Claims 1-24 and 26-27 remain in the application. Reconsideration of the application in view of the amendments and the remarks to follow is requested.

Claims 1 and 12 are objected to for an alleged informality characterized by the Examiner as not stating if the claims are open or closed ended (para. 1, pg. 2 of paper no. 8). Claims 1 and 12 are amended to recite “comprising”, and therefore, this objection is rendered moot. Applicant respectfully requests withdrawal of this objection in the next office action.

Additionally, claims 1 and 12 are objected to for alleged informalities characterized by the Examiner as the claims having entirely functional language where elements are allegedly not established (para. 1, pg. 2 of paper no. 8). While not admitting to the propriety of the objection, the claims are amended to more clearly recite to elements. Moreover, the Examiner is respectfully reminded that functional language is proper as the MPEP clearly states, “[t]here is nothing inherently wrong with defining some part of an invention in functional terms ... [and] does not ... render a claim improper” MPEP §2173.05(g) (8<sup>th</sup> ed.) (citations omitted). “A functional limitation must be evaluated and considered, just like any other limitation of a claim...” MPEP §2173.05(g) (8<sup>th</sup> ed.) (emphasis added). Based on this authority, functional language for a claim is proper, and therefore, the objection to such

language of claims 1 and 12 is improper. Applicant respectfully requests withdrawal of this objection in the next office action.

Claims 1-24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reciting “one or more heat-distributing bodies” and subsequently referring to only one heat-distributing body in dependent claims (para. 3, pg. 2 of paper no. 8). Such claims are amended to resolve this rejection, and therefore, the §112, second paragraph rejection is rendered moot. Applicant respectfully requests withdrawal of this rejection in the next office action.

Additionally, the first paragraph of page 3, paper no. 8, the Examiner recites to a limitation present in claims 1 and 12 to state such limitation “does render clear the claimed invention” (first para., pg. 3 of paper no. 8). As correctly stated by the Examiner, such claimed invention is clear, and therefore, the purpose for the such paragraph of page 3 (of paper no. 8) is unclear.


Furthermore, regarding the unclear first paragraph of page 3, paper no. 8, the Examiner italicizes the following language from claims 1 and 12: “is adapted”. As stated previously, it is unclear what the Examiner intended, but the Examiner is respectfully reminded that the above stated MPEP authority cites to a CCPA case that held “adapted to” is proper, and serves to “precisely define present structural attributes of interrelated component parts of a claimed assembly” MPEP §2173.05(g) (8<sup>th</sup> ed.) *citing In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976). Pursuant to this authority, “is adapted” is proper language of a claim.

Since no other rejections are presented against claims 1-24, such claims are allowable. Moreover, since new claims 26-27 depend from allowed independent claims 1 and 12 respectively, such claims are allowable.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 6-25-03

By:   
D. Brent Kenady  
Reg. No. 40,045